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Security Council

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Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 11 October 2004, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter dated 11 October 2004 from the President of the International Court of Justice, Judge and former President Gilbert Guillaume informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 11 February 2005. A vacancy in the court will therefore occur on 11 February 2005.

2. Judge and former President Guillaume was elected a member of the Court on 14 September 1987 and was re-elected on 15 November 1990 and on 3 November 1999 for a term of office that will end on 5 February 2009. He was President of the Court from 7 February 2000 to 6 February 2003. He was also President of a special Chamber in two cases.

3. Article 14 of the Statute of the Court provides that:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and to take into consideration that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications issued immediately after the Security Council has set the date of election.

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